

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 11a0291n.06**

**Nos. 08-3942, 08-3987, 09-3205**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**FILED**  
**May 03, 2011**  
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,

**Plaintiff-Appellee,**

v.

RICHARD B. WHITE;  
MICHAEL A. SUHADOLNIK,

**Defendants-Appellants.**

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**ON APPEAL FROM THE  
UNITED STATES DISTRICT  
COURT FOR THE  
NORTHERN DISTRICT OF  
OHIO**

**OPINION**

**BEFORE: NORRIS, COLE, and KETHLEDGE, Circuit Judges.**

**PER CURIAM.** Defendants Richard B. White and Michael A. Suhadolnik appeal from the denial of their motion for a new trial or, alternatively, for an evidentiary hearing. In 2003, defendants and three other individuals were charged in a fourteen-count indictment with crimes related to Medicare fraud. White was found guilty on all counts; Suhadolnik was convicted of a single wire fraud count. This court affirmed those convictions on direct appeal. *United States v. White*, 492 F.3d 380 (6th Cir. 2007). Although we affirmed the convictions, we vacated an order of the district court denying defendants' motion for a new trial and remanded the matter to enable the trial court to conduct an evidentiary hearing to determine whether the government withheld material evidence favorable to defendants. On remand, the district court conducted a hearing but denied relief.

*Nos. 08-3942, 08-3987, 09-3205*  
*United States v. White*

Our previous opinion contained an extensive discussion of the events that triggered the underlying prosecution, the evidence produced at trial, and our reasons for affirming the verdicts. By contrast, this appeal is much narrower in scope and presents a single question: Did the documents uncovered by defendants after remand, coupled with the testimony presented during the evidentiary hearing, entitle defendants to a new trial? Having had the benefit of extensive briefing and oral argument, the panel concludes, as did the district court, that the new evidence does not call the validity of the verdicts into question. We have independently assessed that evidence and now affirm the judgment of the district court based upon the reasoning set forth in its opinion filed on July 16, 2008.

The judgment of the district court is **affirmed**.